

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANETH MURILLO,

Plaintiff,

vs.

U.S. POSTAL SERVICE,

Defendant.

8:19CV262

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's "Notice of Voluntary Dismissal Pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#)." ([Filing No. 6](#).) Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the court to dismiss this action with prejudice based on a settlement agreement between Plaintiff and Defendant, and Defendant has not been served with process. Accordingly,

IT IS ORDERED that:

1. Plaintiff's request for dismissal of this action ([filing no. 6](#)) is granted. This matter is dismissed with prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 17th day of September, 2019.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge